

Serial No. 10/087,015  
Application to Reissue  
Patent No. 6,050,451 - - -8

### REMARKS

#### RECORD OF INTERVIEW

The courtesies extended by Examiner Keasel on April 20, 2006 in an interview with attorney Paul Odell and applicants' assignee employees Cori Blomdahl and Jim Hammond are gratefully acknowledged.

During the interview, attorney Odell proposed the claim amendments as presented herein, and presented the reasons for allowability of the claims as set forth below. Attorney Odell also confirms the substance of the interview as set forth in the Examiner's "Interview Summary" dated April 20, 2006.

#### STATEMENT OF STATUS OF ALL CLAIMS

Pursuant to 37 C.F.R. §1.173(c), the following claims are pending: claims 2-4 and 6-7 (as in the original patent as issued); claims 1, 5, 8, 9, 12, and 16 (as once amended in this RESPONSE AND AMENDMENT); and claims 10-11, 13-15, and 17-19 (as presented in the PRELIMINARY AMENDMENT).

No claims have been canceled.

#### EXPLANATION OF SUPPORT FOR THE CHANGES

Pursuant to 37 C.F.R. §1.173(c), the table below explains the support in the patent specification and Figures for the currently amended claims. Additional support for the amended claims may also be present in other specification portions and Figures that are not identified in the table below.

Serial No. 10/087,015  
 Application to Reissue  
 Patent No. 6,050,451 - - - 9

Amended Claims	Figures	Specification	
		Column	Lines
1, 8, and 9	1-15	1	59-67
		2	1-3, 34-58
		5	51-67
		6	1-67
		7	1-67
		8	1-67
		9	1-47
		12	44-51
5 and 12	1-15	1	59-67
		2	1-3, 34-58
		5	51-67
		6	1-67
		7	1-67
		8	1-67
		9	1-47
		12	44-51

Serial No. 10/087,015  
 Application to Reissue  
 Patent No. 6,050,451 - - -10

16	1-15	1	59-67
		2	1-3, 34-58
		5	51-67
		6	1-67
		7	1-67
		8	1-67
		9	1-47
		12	44-51

**THE PENDING CLAIMS ARE NOW ALLOWED**

In view of the amendments to the claims, it is believed that all of the pending claims 1-19 are allowable, and withdrawal of the rejections of claims 1-19 is respectfully requested.

Claims 9-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Massioui (U.S. Patent No. 6,000,848) in view of Viegas (U.S. Patent No. 5,307,955), and claims 1-8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Massioui in view of Viegas and Hammond et al. (U.S. Patent No. 5,830,205).

All of the pending claims, as amended, set forth, inter alia, a fitment that is a "unitary structure" or that includes a base and a spout extending from said base as a "unitary part of said fitment." The claims also set forth a flexible valve disposed "within said fitment."

Independent claims 1 and 5 more particularly require the valve to have a self-sealing slit and to be disposed within the fitment so that the slit is located inside the fitment both when the

Serial No. 10/087,015  
Application to Reissue  
Patent No. 6,050,451 - - - 11

slit is open and when the slit is closed.

Independent claim 9 more particularly requires the fitment to project outwardly beyond the valve (away from the pouch) both when the valve slit is open and when the valve slit is closed.

Independent claim 12 sets forth, inter alia, the location of the valve such that the valve slit is located inwardly of the fitment dispensing orifice (inwardly in a direction toward the interior of the pouch) both when the valve slit is open and when the valve slit is closed.

Independent claim 16 sets forth, inter alia, a valve having a central wall with a slit.

Independent claim 16 further sets forth the particular structure on the interior of the spout that has an annular inner shoulder defining an inner surface for sealingly engaging the valve flange to locate the valve central wall inwardly of the fitment spout annular inner shoulder inner surface in the direction toward the interior of the pouch when the valve slit is closed. FIG. 13 of the instant application drawings shows the shoulder 90, and FIG. 15 shows the flange of the valve mounted against the shoulder so that the valve flange is located within the valve spout 52 and so that the valve central wall (which contains the valve slits) is located inwardly of the inner surface (defined by the spout annular inner shoulder) when the valve slits are closed.

#### Claim 16 Is Allowable

With respect to the allowability of independent claim 16, it is clear that none of the three patents cited by the Examiner shows a spout having an annular inner shoulder to locate a valve

Serial No. 10/087,015  
Application to Reissue  
Patent No. 6,050,451 - - -12

within the fitment as set forth in amended claim 16. The Hammond et al. patent does not disclose a spout containing a valve. The Massioui patent does not disclose a valve. The Viegas patent does not disclose a fitment having a spout with an annular inner shoulder facing generally toward the interior of the pouch to locate the valve wholly within the fitment and to locate the valve central wall inwardly of shoulder inner surface when the valve slit is closed.

Claims 1, 5, 9, And 12 Are Allowable

The cited patents also do not disclose various features of the other independent claims, as amended, such as the location of the valve within the fitment so that the fitment projects outwardly beyond the valve or so that the valve slits are inwardly of the fitment dispensing orifice both when the slit is open and when the slit is closed.

The only cited prior art patent disclosing a valve on a fitment is Viegas, but Viegas teaches away from the invention claimed in the instant application amended claims. Viegas teaches locating the valve flange outwardly of the end of a fitment spout, and Viegas teaches holding the valve onto the exterior end of the fitment spout with a separate closure 60/61. Specifically, in Viegas, FIG. 3 shows the valve 50 mounted on the top end of the neck or spout 34, and shows the valve flange 51 held against the top end of the spout 34 by a separate, exterior closure 60/62 which is not a unitary part of the spout. As can be seen in FIG. 3 of Viegas, part of the valve sleeve also extends outwardly beyond the outer end of the spout 34.

The arrangement taught by the prior art Viegas patent suffers from potential disadvantages of, inter alia, the possibility of external objects (e.g., a child's teeth) catching on

Serial No. 10/087,015  
Application to Reissue  
Patent No. 6,050,451 - - - 13

and loosening, or temporarily canting, the closure body 60/61 relative to the resilient valve flange 51 in a way that might deleteriously affect the mounting or sealing of the valve on the end of the spout 34.

In view of the above discussion, it is submitted that the amended independent claims 1, 5, 9, and 12 set forth subject matter which is not taught or suggested by the cited prior art.

The Rejections of Independent claims 1, 5, 9, 12 and 16 Should Be Withdrawn

In view of the discussions above, the withdrawal of the rejections of the independent claims 1, 5, 9, 12, and 16 is respectfully requested.

Claims 2-4, 6-8, 10-11, 13-15, And 17-19 Are Allowable

The dependent claims 2-4, 6-8, 10-11, 13-15, and 17-19 are reach directly or indirectly dependent upon one of the above-discussed independent claims. Therefore, each dependent claim includes all of the features of the independent claim from which it depends. For the reasons given above in arguing for the allowability of the independent claims, the dependent claims are believed to be allowable also. Therefore, withdrawal of the rejections dependent claims is also respectfully requested.

-----

Serial No. 10/087,015  
Application to Reissue  
Patent No. 6,050,451 - - - 14

Further, it is believed that the entire application is now in condition for allowance, and such action is respectfully requested.

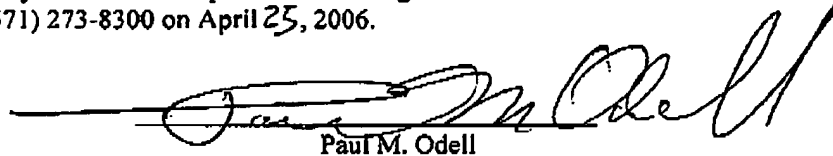
Respectfully submitted,

By:   
Paul M. Odell, Reg. No. 28,332

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER  
Citigroup Center, Suite 3800  
500 West Madison Street  
Chicago, Illinois 60661-2511  
(312) 876-1800

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile-transmitted to the U.S. Patent and Trademark Office (571) 273-8300 on April 25, 2006.

  
Paul M. Odell